

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

YOR920010554 (8728-539)

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on February 27, 2007

Signature

Typed or printed name Nathaniel T. Wallace

Application Number

10/036,194

Filed

12/29/2001

First Named Inventor

James Edward Christensen

Art Unit

2144

Examiner

Shaw, Peling Andy

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number 48,909☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

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Telephone number

February 27, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

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*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Christensen et al. DOCKET: YOR920010554US2 (8728-538)
SERIAL NO: 10/036,194 GROUP ART UNIT: 2144
FILED: December 28, 2001 EXAMINER: Shaw, Peling Andy
FOR: **SYSTEM AND METHOD FOR PROVIDING ACCESS AND
UTILIZATION OF CONTEXT INFORMATION**

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Examiner:

In response to the Advisory Action dated February 13, 2007, Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal and a Pre-Appeal Brief Request For Review Form (PTO/SB/33).

REMARKS

Please consider the following reasons for this Pre-Appeal Brief Request for Review.

Claims 1-21, 23, and 41 are pending and stand rejected in the above-referenced application. Claims 1, 11, and 21 are the pending independent claims. Only rejections pertinent to independent Claims 1 and 23 are addressed here.

Claims 1-21 and 23 have been rejected under 35 USC 102(c) as being anticipated by Engstrom (US Patent Pub. 20020138286). The Examiner stated essentially that Engstrom teaches all the limitations of Claims 1-21 and 23.

Claims 1 and 23 claim, *inter alia*, “defining an access right of the second client, wherein the access right determines a portion of the electronic profile accessible to the second client via the active object; verifying an identity of the second client; and providing access to the portion electronic profile to the second client via the active object, wherein the active object is transferred to the second client from the first client.”

Engstrom teaches a method for generating personality profiles to be provided to Content Providers (see Abstract). Engstrom does not teach “providing access to the portion electronic profile to the second client via the active object, wherein the active object is transferred to the second client from the first client” as claimed in Claims 1 and 23. The personality profiles of Engstrom are used in accessing content pages without the need to disclose personally identifiable information to a content provider (see paragraph [0023]). Engstrom’s personality profiles are offered to content providers to allow a client to access information. That is, according to Engstrom the client transmits registration information to content provider to gain access to the content provider’s information. This is not analogous to the claimed invention. For example, the claimed limitation recites:

1. defining an access right of the second client, wherein the access right determines a portion of the electronic profile accessible to the second client via the active object;
2. wherein the active object is transferred to the second client from the first client
3. verifying an identity of the second client; and
4. providing access to the portion electronic profile to the second client via the active object.

Engstrom's Client is the provider of registration information to gain access to data of a Content Provider. Nowhere does Engstrom teach providing an active object to the to the Content Provider to allow the Content Provider to access the Client, nor providing an active object to the Client to allow the Client to access the Content Provider.

Further, nowhere does Engstrom teach that an identity is verified, be that of the Client or the Content Provider. Indeed, Engstrom's method conceals an identity of the Client by providing incomplete or random information to the Content Provider (see for example, paragraphs [0005] and [0043]), rendering any verification of identity unworkable.

Further still, it is important to note that Engstrom teaches that different personality profiles may be created for each Content Provider request – that is, a complete personality profile is provide to the Content Provider (see for example, paragraph [0029]). Nowhere does Engstrom teach providing access to a portion of an electronic profile, essentially as claimed in Claims 1 and 23.

In view of the foregoing it is believed to be apparent that Engstrom fails to teach “verifying an identity of the second client; and providing access to the portion electronic profile

to the second client via the active object, wherein the active object is transferred to the second client from the first client" as claimed in Claims 1 and 23.

For at least the foregoing reasons, there is believed to be clear error in the rejection based on Engstrom; reconsideration of the rejection is respectfully requested.

Claims 2-21 depend from Claim 1. The dependent claims are believed to be allowable for at least the reasons given for Claim 1. Reconsideration of the rejection is respectfully requested.

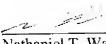
Claim 41 has been rejected under 35 USC 103(a) as being unpatentable over Engstrom in view of Bhoj et al. (USPN 6,304,892). The Examiner stated essentially that the combined teachings of Engstrom and Bhoj teach or suggest all the limitations of Claim 41.

Claim 41 depends from Claim 1. Claim 41 is believed to be allowable for at least the reasons given for Claim 1. Reconsideration of the rejection is respectfully requested.

For the forgoing reasons, the application, including Claims 1-21, 23, and 41, is believed to be in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

Respectfully submitted,

Dated: February 27, 2007


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